

Order under Section 69
Residential Tenancies Act, 2006

File Number: SOL-19509-21

In the matter of: 102, 165 QUEEN STREET S
HAMILTON ON L8P4R3

Between: Q Res Iv Operating Lp Landlord

and

Aayah Amir Tenant

Q Res Iv Operating Lp (the 'Landlord') applied for an order to terminate the tenancy and evict Aayah Amir (the 'Tenant') because the Tenant has been persistently late in paying the Tenant's rent. The Landlord also claimed compensation for each day the Tenant remained in the unit after the termination date.

This application was heard by videoconference on July 28, 2021.

Only the Landlord attended the hearing. The Landlord was represented by David Ciobotaru.

Determinations:

1. This is a month to month tenancy in which rent is due on the first of each month in the amount of \$1,475.00.
2. The Tenant has persistently failed to pay the rent on the date it was due. I say this because the Landlord's uncontested evidence was that for the period between February 2020 and January 2021, the Tenant has persistently paid the rent late every month.
3. Since the N8 notice of termination was served to the Tenant on January 4, 2021, the Tenant continued to pay the rent late. I am satisfied the Tenant has been persistently late in paying their rent.
4. The Landlord seeks an order terminating the tenancy August 31, 2021 and the reimbursement of the \$186.00 application filing fee.
5. The Landlord collected a rent deposit of \$1,475.00 from the Tenant and this deposit is still being held by the Landlord.
6. Interest on the rent deposit is owing to the Tenant for the period from January 5, 2020 to March 31, 2021

7. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the *Residential Tenancies Act, 2006* (the 'Act'), and find that it would not be unfair to postpone the eviction until August 31, 2021 pursuant to subsection 83(1)(b) of the Act. The Landlord is unaware of any circumstances that would justify further relief from eviction.

It is ordered that:

1. The tenancy between the Landlord and the Tenant is terminated, as of March 31, 2021. The Tenant must move out of the rental unit on or before September 19, 2021.
2. The Tenant shall pay to the Landlord \$6,378.58 (less any amounts already paid to the Landlord), which represents compensation for the use of the unit from April 1, 2021 to September 8, 2021, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenant shall also pay to the Landlord \$48.49 per day for compensation for the use of the unit from September 9, 2021 to the date the Tenant moves out of the unit.
4. The Tenant shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenant does not pay the Landlord the full amount owing on or before September 19, 2021, the Tenant will start to owe interest. This will be simple interest calculated from September 20, 2021 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before September 19, 2021, then starting September 20, 2021, the Landlord may file this order with the Court Enforcement Office (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the Court Enforcement Office (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after September 20, 2021.



Sonia Anwar-Ali
Member, Landlord and Tenant Board

September 8, 2021
Date Issued

Southern-RO
119 King Street West, 6th Floor
Hamilton ON L8P4Y7

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

In accordance with section 81 of the Act, the part of this order relating to the eviction expires on March 20, 2022 if the order has not been filed on or before this date with the Court Enforcement Office (Sheriff) that has territorial jurisdiction where the rental unit is located.